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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH DOWELL, No. C 08-01683 CW (PR)

Petitioner, ORDER TO SHOW CAUSE

v.

BOARD OF PRISON HEARINGS,

Respondent.

/

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the \$5.00 filing fee. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

1. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at his current address.

2. Respondent shall file with this Court and serve upon Petitioner, within one-hundred twenty (120) days of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of

1 habeas corpus should not be issued. Respondent shall file with the
2 Answer a copy of all portions of the relevant state records that
3 have been transcribed previously and that are relevant to a
4 determination of the issues presented by the petition.

5 3. If Petitioner wishes to respond to the Answer, he shall
6 do so by filing a Traverse with the Court and serving it on
7 Respondent within sixty (60) days of his receipt of the Answer.
8 Should Petitioner fail to do so, the petition will be deemed
9 submitted and ready for decision sixty (60) days after the date
10 Petitioner is served with Respondent's Answer.

11 4. Respondent may file a motion to dismiss on procedural
12 grounds in lieu of an Answer, as set forth in the Advisory
13 Committee Notes to Rule 4 of the Rules Governing Section 2254
14 Cases. If Respondent files such a motion, Petitioner shall file
15 with the Court and serve on Respondent an opposition or statement
16 of non-opposition to the motion within sixty (60) days of receipt
17 of the motion, and Respondent shall file with the Court and serve
18 on Petitioner a reply within fifteen (15) days of receipt of any
19 opposition.

20 5. It is Petitioner's responsibility to prosecute this case.
21 Petitioner must keep the Court and Respondent informed of any
22 change of address and must comply with the Court's orders in a
23 timely fashion. Petitioner must also serve on Respondent's counsel
24 all communications with the Court by mailing a true copy of the
25 document to Respondent's counsel.

26 6. Extensions of time are not favored, though reasonable
27 extensions will be granted. Any motion for an extension of time
28

1 must be filed no later than ten (10) days prior to the deadline
2 sought to be extended.

3 IT IS SO ORDERED.

4 Dated: 8/12/08

Claudia Wilken

CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KENNETH DOWELL,

Plaintiff,

Case Number: CV08-01683 CW

V.

BOARD OF PRISON HEARINGS et al.

Defendant.

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on August 12, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
in the Clerk's office.

15 Kenneth Dowell C-78669
1-N-26U
16 San Quentin Prison
San Quentin, CA 94974

18 Board of Prison Hearings
Post Office Box 4036
Sacramento, CA 95812-4036
19

20 Attorney General
State of California
21 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102

23 | Dated: August 12, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk